

107561371

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chen et al.

IAP20 RECEIVED 21 DEC 2005

Serial No: TBD

Art Unit: TBD

Filed:

Examiner: TBD

For: OPTHALMIC COMPOSITIONS FOR TREATING
OCULAR HYPERTENSIONCommissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

EXPRESS MAIL CERTIFICATE

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5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

| U. S. SERIAL NUMBER | RELATED APPLICATION | |
|---------------------|---------------------|------------|
| | FILING DATE | MERCK CASE |
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If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Sylvia A. Ayler

Attorney For Applicant(s)

Reg. No. 36,436

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

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Date: December 21, 2005

COMPLETE IF KNOWN

(use as many sheets as necessary)

Sheet

1

of

3

Application Number

TBD

Filing Date

First Named Inventor

Chen et al.

Group Art Unit

TBD

Examiner Name _____

TBD

Attorney Docket Number

21406YP

[illegible]

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|----------|-------------------------|-------------------------------|-------------------------|---|---|
| Examiner Initials* | Cite No. | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
| | | Office | Number | Kind Code (if known) | | |
| /VB/ | PCT | WO | 89/10757 | A1 | Leo Pharmaceuticals | 11/16/1989 |
| | PCT | WO | 94/28900 | A1 | Vide Pharmaceuticals | 12/21/1994 |
| | PCT | WO | 96/33719 | A1 | Allergan | 10/31/1996 |
| | PCT | WO | 02/24647 | A1 | Novartis AG | 05/04/2000 |
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| | EP | EP | 1114816 | A1 | Ono Pharmaceuticals | 07/11/2001 |
| | PCT | WO | 01/46140 | A1 | Pfizer Products | 06/28/2001 |
| | PCT | WO | 01/72268 | A1 | Toray Industries | 10/04/2004 |
| | PCT | WO | 94/13275 | A1 | Massachusetts Eye and Ear Infirmary | 06/23/1994 |
| /VB/ | PCT | WO | 04/085431 (Eq. to CA04000471) | A1 | Merck Frosst Canada & Co. | 10/07/2004 |

Examiner
Signature

/Menkataraman Balasubramanian/

Date Considered

12/17/2007

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 7/12/2005

